

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL CASE NO. 1:10cv282**

**NATIONAL ALLIANCE FOR  
ACCESSIBILITY, INC., a Florida  
Non-Profit Corporation; and  
DENISE PAYNE, individually,**

**Plaintiffs,**

**vs.**

**TUNNEL ROAD (E&A) LIMITED  
LIABILITY COMPANY, a South  
Carolina Limited Liability Company,**

**Defendant.**

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**MEMORANDUM OF  
DECISION AND ORDER**

**THIS MATTER** is before the Court on the Plaintiff's "Motion for Good Cause to Vacate Judgment and Reverse Order to Permit Plaintiff Time to Respond to Defendant's Motion" [Doc. 17] filed May 10, 2011 and Plaintiff's "Amended Motion for Good Cause to Vacate Judgment and Reverse Order (and to Demonstrate Plaintiff has a Meritorious Defense to Defendant's Motion to Dismiss)" [Doc. 19], filed May 27, 2011.

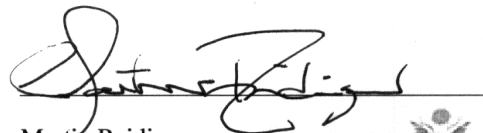
Also before the Court is National Alliance for Accessibility, Inc. v. Horne-River Ridge II, 1:10cv286 (W.D.N.C.) ("Horne-River"). The factual and

procedural background of that case is virtually identical to the present action, and the Plaintiffs are represented by the same counsel in both cases. Although these cases have not been consolidated, the decision of this Court in the Order being entered contemporaneously herewith in Horne-River addresses and disposes of all the issues raised by the motions currently pending before the Court in this matter. The Order in Horne-River, therefore, is incorporated herein, and the current motions will be disposed of in accordance therewith.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Plaintiff's "Motion for Good Cause to Vacate Judgment and Reverse Order to Permit Plaintiff Time to Respond to Defendant's Motion" [Doc. 17] and Plaintiff's "Amended Motion for Good Cause to Vacate Judgment and Reverse Order (and to Demonstrate Plaintiff has a Meritorious Defense to Defendant's Motion to Dismiss)" [Doc. 19] are **DENIED**.

**IT IS SO ORDERED.**

Signed: January 12, 2012

  
Martin Reidinger  
United States District Judge

